

P-999/C-88-310DISMISSING COMPLAINT AGAINST CONNEX INTERNATIONAL

BEFORE THE MINNESOTA PUBLIC UTILITIES COMMISSION

Barbara Beerhalter	Chair
Cynthia A. Kitlinski	Commissioner
Norma McKanna	Commissioner
Robert J. O'Keefe	Commissioner
Darrel L. Peterson	Commissioner

In the Matter of the Investigation by the  
Minnesota Public Utilities Commission Into  
the Provision of Telephone Conference Call  
Services

ISSUE DATE: April 17, 1989

DOCKET NO. P-999/C-88-310

ORDER DISMISSING COMPLAINT  
AGAINST CONNEX INTERNATIONAL

PROCEDURAL HISTORY

On May 10, 1988 the Department of Public Service (the Department) filed a formal complaint under Minn. Rules, part 7830.0300, alleging that certain named telephone companies, including Connex International (Connex or the Company), were offering intrastate conference call service without Commission authorization. On May 19, 1988 the Commission issued its ORDER TO RESPOND TO COMPLAINT OR TO GRANT THE RELIEF IT REQUESTS to four companies, including Connex.

On June 9, 1988 Connex filed a motion requesting dismissal of the Department's complaint, stating that it did not provide intrastate conference call service. The Department opposed the motion on grounds that it was still investigating whether or not Connex provided intrastate services. On December 23, 1988 the Commission issued an Order directing the Department to continue its investigation and directing Connex to cooperate with the Department in establishing the facts surrounding its claim that it did not provide intrastate conference call services.

On March 16, 1989 the Department filed its report and recommendation. The Department recommended dismissing the complaint on grounds of insufficient evidence to establish that Connex has provided or does provide intrastate conference call services.

## FINDINGS AND CONCLUSIONS

This is a case in which the Company has the technical capacity to provide intrastate service, but has no interest in serving the intrastate market. The Company claims to have never completed an intrastate call. At the same time, however, the Company has not alleged that it has procedures in place to prevent such calls from being completed or even that it would refuse to complete such a call if asked. Clearly, there is more than a trifling possibility that the Company has conducted or will conduct some intrastate business.

The Commission has in other cases, however, excused conference call providers whose business is overwhelmingly interstate and international in character from complying with Minnesota regulatory requirements. See ORDER DISMISSING COMPLAINTS AGAINST DERACOM, INC. AND DAROME CONNECTION, INC. (December 23, 1988) in this docket. There is at least some possibility that Connex would merit similar treatment if completion of intrastate calls were established.

Furthermore, the Commission has received no complaints from Minnesota consumers regarding the Company's service or its business practices. This, combined with the fact that the Commission has not to date required every conference call company providing de minimus intrastate service to meet Minnesota regulatory requirements, leads the Commission to conclude that the complaint should be dismissed. In reaching this conclusion, the Commission is mindful that the Department will continue to monitor the provision of conference call services to Minnesota residents and will promptly bring to the attention of the Commission any facts suggesting that Connex should be required to comply with Minnesota regulatory requirements.

The Commission will grant the Department's request to dismiss its complaint.

## ORDER

1. The Complaint of the Department of Public Service against Connex International dated May 19, 1988 is hereby dismissed.
2. The Department of Public Service shall continue to monitor the provision of intrastate conference call services and shall promptly bring to the attention of the Commission any facts suggesting that Connex International should be required to comply with Minnesota regulatory requirements.
3. This Order shall become effective immediately.

BY ORDER OF THE COMMISSION

Mary Ellen Hennen  
Executive Secretary

(S E A L)